

R E M A R K S

Claims 4 to 6 and 16 to 30 as set forth in Appendix I of this paper are herewith presented for further prosecution in this case. Relative to the version of claims presented with applicants' paper of June 30, 2008,²⁾ Claims 1 to 3 have been canceled, Claims 4 and 6 have been amended, and Claims 16 to 30 have been added, as indicated in the listing of the claims.

More specifically, applicants have combined Claims 1, 2 and 3 in new Claim 16, and have revised the dependence of Claims 4 and 6 accordingly. New Claims 17 to 19 have been added to bring out certain embodiments of the compound (I) which is employed in the method of Claim 16, i.e.:

- a) a compound of formula (II) having the structure designated as (I-16);³⁾
- b) a compound of formula (III) having the structure designated as (II-5);⁴⁾
- c) a compound of formula (IV) having the structure designated as (III-3);⁵⁾
- d) a compound of formula (V) having the structure designated as (IV-6);⁶⁾
- e) compounds of formula (VI) having the structure designated as (V-1) and (V-3);⁷⁾
- f) a compound of formula (VII) having the structure designated as (VI-1);⁸⁾ and
- g) compounds of formula (VIII) having the structure designated as (VII-1) and (VII-12).⁹⁾

New Claims 20 to 30 address certain aspects of applicants' method which are disclosed in the application on

- page 4, indicated line 29, to page 5, indicated line 2;
- page 4, indicated lines 38 to 41;

2) The respective paper is herewith incorporated by reference.

3) Cf. Table I on page 7 of the application.

4) Cf. Table II on page 8 of the application.

5) Cf. Table III on page 9 of the application.

6) Cf. Table IV on page 9 of the application.

7) Cf. Table V on page 10 of the application.

8) Cf. Table VI on page 10 of the application.

9) Cf. Table VII on page 10 of the application.

- page 6, indicated lines 6 to 28;
- page 11, indicated lines 27 to 34;
- page 11, indicated lines 36 to 45;
- page 19, indicated lines 18 to 46;
- page 22, indicated lines 33 to 35;
- page 19, indicated lines 20 to 46;
- page 22, indicated lines 31 to 33;
- page 20, indicated lines 1 to 4; and
- page 20, indicated lines 6 to 8.

No new matter has been added.

It is respectfully solicited that the Examiner enter and consider the amendments and arguments presented in applicants' paper of June 30, 2008, and enter the enclosed amendments as a supplement to the revisions of June 30, 2008. It is respectfully urged that applicants' previous remarks are fully applicable where the subject matter is concerned which is specified in the claims presented with this paper. Accordingly, applicants respectfully reiterate their request that the rejection

- of Claims 1 to 3, 8, 10 and 12 to 15 under 35 U.S.C. §102(b) as being anticipated by the teaching of *Pees et al.* (WO 98/46608);
 - of Claims 1 to 3, 6 and 8 to 15 under 35 U.S.C. §102(b) as being anticipated by the teaching of *Müller et al.* (US 6,159,992); and
 - of Claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Müller et al.* when taken in view of the disclosures of *Pees et al.* and/or *Ernst et al.*,
- be withdrawn. Favorable action is solicited.